

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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Civ. No. 20-Civ-02663-JMA-ARL

JUSTYNA ZUBKO-VALVA, as Mother and Natural  
Guardian of ANTHONY VALVA and ANDREW VALVA,  
and as Administratrix of the Estate of THOMAS VALVA  
and JUSTYNA ZUBKO-VALVA individually,

Plaintiff(s),

-against-

**NOTICE OF MOTION TO  
DISMISS PURSUANT TO  
FRCP 12 (b) (6)**

THE COUNTY OF SUFFOLK, CPS SENIOR CASEWORKER  
MICHELE CLARK, Individually and in her Official Capacity,  
CPS SUPERVISOR EDWARD HEEPE, Individually and in his  
Official Capacity, CPS ASSISTANT DIRECTOR ROBERT LETO,  
Individually and in his Official Capacity, CPS INVESTIGATOR  
JENNIFER LANTZ, Individually and in her Official Capacity, CPS  
INVESTIGATOR MELISSA ESTRADA, Individually and in her  
Official Capacity, CPS INVESTIGATOR LYDIA SABOSTO,  
Individually and in her Official Capacity, CPS SUPERVISOR  
JEAN MONTAGUE, individually and in her Official Capacity,  
DEPARTMENT OF SOCIAL SERVICES COUNTY ATTORNEY  
RANDALL RATJE, ESQ., Individually and in his Official Capacity,  
ATTORNEY FOR CHILDREN DONNA MCCABE, ESQ., Individually  
and in her Official Capacity, THE LAW OFFICE OF DONNA  
MCCABE, SHANA CURTI, ESQ., Individually and in her Official  
Capacity, ORSETTI & CURTI PLLC, EAST MORICHES UNION  
FREE SCHOOL DISTRICT, PRINCIPAL EDWARD SCHNEYER,  
Individually and in his Official Capacity, SCHOOL  
SUPERINTENDENT CHARLES RUSSO, Individually and in his  
Official Capacity, HOPE SCHWARTZ ZIMMERMAN, Individually,  
ATTORNEY FOR CHILDREN ETHAN HALPERN, ESQ, Individually  
and in his Official Capacity, THE LEGAL AID SOCIETY of SUFFOLK  
COUNTY, INC., CHILDREN'S LAW BUREAU, MICHAEL VALVA,  
and ANGELA POLLINA,

Defendant(s).

-----X

**MOTION BY:**

MONTFORT, HEALY, McGUIRE & SALLEY LLP  
Michael J. Boranian, Esq. (MB 1576) and  
Joseph R. Crafa, Esq., Of Counsel (JRC 8092)  
Attorneys for Defendant(s), ATTORNEY FOR CHILDREN DONNA  
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LAW OFFICE OF DONNA MCCABE  
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**DATE, TIME &  
PLACE OF HEARING:**

In accordance with the Briefing Schedule entered on October 22, 2020.

**SUPPORTING PAPERS:**

Affidavit of Donna McCabe, ESQ. dated December 15, 2020, exhibits  
annexed thereto and the accompanying Memorandum of Law

**RELIEF DEMANDED:**

An Order, pursuant to FRCP 12(b) (6) dismissing plaintiff's complaint in its  
entirety as against Attorney for Children Donna McCabe, Esq., Individually  
and in her Official Capacity and The Law Office of Donna McCabe as  
plaintiff's complaint fails to state a cause of action upon which relief can be  
granted as a matter of law.

**OTHER RELIEF:**

Such other and further relief as to this Court may seem just, proper and  
equitable in the premises.

**ORAL ARGUMENT:**

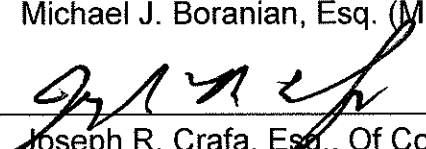
It is respectfully requested that the Court permit Oral Argument of the  
within motion at the time all motion papers, opposition and reply are  
submitted.

Dated: Garden City, New York  
December 15, 2020

Yours, etc.,

MONTFORT, HEALY, McGUIRE & SALLEY LLP

BY:   
Michael J. Boranian, Esq. (MB 1576) and

  
Joseph R. Crafa, Esq., Of Counsel (JRC 8092)

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TO:

**Plaintiff**

**Justyna Zubko-Valva**  
*as Mother and Natural Guardian of  
Anthony Valva and Andrew Valva, and as  
Administratrix of the Estate of Thomas  
Valva*

represented by **Jin-Young Han**  
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**Defendant**

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**Defendant**

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**Defendant**

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**Defendant**

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**Defendant**

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**Defendant**

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**Defendant**

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*ATTORNEY TO BE NOTICED*

**Defendant**

**Childrens Law Bureau**

**Defendant**

**Michael Valva**

**Defendant**

**Angela Pollina**